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Re: Appeal to the School Board of the School District of Whitefish Bay of complaint filed on October 3, 2023

The School Board for the School District of Whitefish Bay (“School Board”) convened in an open meeting on February 12, 2024, heard public comment, and then went into closed session to hear the appeal of Ms. Shaneeka White of the decision by Dr. John Thomsen, District Administrator, dated December 15, 2023, of the decision from Mr. Tim Lemke, dated November 15, 2023, regarding the complaint lodged by Ms. White on October 3, 2023.

Consistent with Policy 411.1 of the School District of Whitefish Bay, the School Board heard the appeal of Ms. White (the “Complainant”), who was represented by counsel, Attorney Lambert. Members of the School Board were given the following documents to review in conjunction with the appeal:

November 1, 2023 update to Board from Attorney Lambert/Ms. White

Letter dated November 12, 2023 authored by Attorney Lambert, and Exs. A & B

Letter decision dated November 15, 2023 authored by Mr. Lemke

Video from December 11, 2023 meeting

Folder of exhibits from Attorney Lambert for December 11 meeting

Letter decision dated December 15, 2023 authored by Dr. Thomsen

Video from January 4 meeting

Records obtained by Attorney Lambert that seem to have come from the Whitefish Bay Police Department

Letter dated January 12, 2024 authored by Dr. Thomsen

Letter dated January 19, 2024 authored by Attorney Lambert, Exs. A-J

Statements presented by Ms. White on February 5 & 12, 2024

Statements presented by student on February 5 & 12, 2024

Various data points from DPI and another governmental source

Statement apparently written by Bay Bridge

American Psychological Association Article

At the hearing, counsel for the Complainant, the Complainant, and the student involved spoke to the School Board for a prescribed period. Dr. Thomsen then provided comments to the School Board. Response periods were provided for both, and the last argument was presented by counsel for Complainant. Following the hearing, the School Board deliberated. In its decision of the appeal, the School Board states as follows:

Complainant's Complaint dated October 3, 2023, of racial harassment

The School Board cannot determine who initiated the encounter among students on September 29, 2023.

The School Board concludes that the School District and the administrator had credible concerns on September 29, 2023, about the safety of students and guests at District activities, and acted consistently with those concerns.

Given the information available to the Board, the Board cannot conduct the legal analysis requested by Complainant under the *McDonnell Douglas* framework or the *Village of Arlington Heights* framework.

The School Board concludes that the School District needs to provide additional information to administrators regarding investigative processes under Policy 411.1.

The School District is committed to ensuring educational equity and to promoting a diverse community supporting students.

The School Board will do the following:

Review Policy 411.1 as well as its rules and its exhibits related to investigative procedures.

Ensure that Policy 411.1 as well as its rules and its exhibits continue to be communicated by the School District to District personnel as well as to District families, including District students.

So it is decided by the School Board of the School District of Whitefish Bay.

Dated: February 27, 2024